IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTHDAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7660 of 2005

Between:

1 Vegulla Ammaji, W/o.Veera Raju,
R/o.Thurpu Dubagunta village, Kaligiri Mandal, Nellore District.
2 Bakki Nagaraju, S/o.Rama Rao,
R/o.Thurpu Dubagunta village, Kaligiri Mandal, Nellore District.

..... PETITIONERS

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional officer, Kavali, Nellore Dist.
3 The Mandal Revenue officer, Kaligiri Mandal, Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus: Declaring the inaction on the part of the respondents canceling the petitioner's land in S.No.253 for an extent Ac.4.44 cts. Wet Land in so far as 1st petitioner and in S.No.245 for an extent Ac.1.60 cents & S.No.256-2 for an extent Ac.0.72 cents of 2nd petitioner situated at Thurup Dubagunta village, Kaligiri Mandal, Nellore Dist. and proposed to assign the same to the 3rd parties on 15-4-2005 or any other subsequent dates without issuing any notice to the petitioners and without following due process of law contemplated under the act amounts to erroneous, arbitrary and violative of Arts. 14, 21 and 300(A) of Constitution of India and violative of principles of natural justice and consequently direct the respondents not to dispossess the petitioners from the lands in S.No.253 for an extent Ac.4.44 cts. - Wet Land in so far as 1st petitioner and in S.No.245 for an extent Ac.1.60 cents & S.No.256-2 for an extent Ac.0.72 cents of 2nd petitioner situated at Thurup Dubagunta village, Kaligiri Mandal, Nellore Dist., and to pass necessary order or orders.

Counsel for the Petitioners: MR.T.C.KRISHNAN

Counsel for the Respondents: GP FOR REVENUE

This Court at the admission stage made the following:

O R D E R:

The petitioners claim to be the landless poor persons. It is stated that the third respondent Mandal Revenue Officer granted D-Form pattas in their favour on 12-08-1991 in respect of small extents of land situated in Survey Nos.253, 245 and 256/2 of Thurup Dubagunta Village, Kaligiri Mandal, Nellore District. It is claimed that they have made the said land fit for cultivation and have been raising dry crops since the date of assignment. It is also stated that they were granted pattadar pass books and title deeds in the years 1996 and 1997 respectively. While so, at the instance of some of the villagers who belong to opposite political group, the third respondent, the Mandal Revenue Officer has been taking steps to dispossess the petitioners and to assign the land-in-question to third parties. Aggrieved by the said action of the third respondent, this writ petition is filed contending that since the pattas granted in their favour are subsisting, the third respondent is not justified in taking steps to dispossess them highhandedly.

Having heard the learned counsel for the petitioners and the leaned Government Pleader for Revenue appearing for the respondents and perused the material record, I am of the view that in case the pattas granted in favour of the petitioners are subsisting, they cannot be dispossessed from the land-in-question without following due process of law.

The writ petition is disposed of with a direction to the respondents not

to interfere with the possession of the petitioners in respect of the land-in-question without following due process of law, if the pattas granted in favour of the petitioners are subsisting as on today. No costs.

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(G. ROHINI, J)

Date: 07-04-2005

Note:

Furnish CC in two days.

B/o

ghn

To

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional officer, Kavali, Nellore Dist.
3 The Mandal Revenue officer, Kaligiri Mandal, Nellore Dist.

4 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

5 Two CD copies.